

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BENNIE R. SMITH,)
Plaintiff,)
v.)
JUSTIN CAGLE, individually and in his)
official capacity as an officer of the Mt. Juliet)
Police Department, ANDY GARRETT,)
in his official capacity as Chief of the Mt. Juliet)
Police Department, and MT. JULIET,)
TENNESSEE,)
Defendants.)

) No. 3:11-cv-00705
Judge Nixon
Magistrate Judge Brown
JURY DEMAND

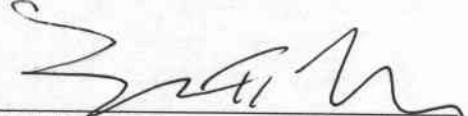
ORDER

Before the Court is Defendant Andy Garrett's Notice of Striking Previously Filed Motion (Doc. No. 20), in which Mr. Garrett withdraws his previously filed Motion to Dismiss (Doc. No. 16). The Motion to Dismiss is hereby **TERMINATED**.

Also before the Court is a Stipulation of Dismissal ("Stipulation"), stipulating to the voluntary dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) of all claims against Mr. Garrett in his official capacity as Chief of the Mt. Juliet Police Department. (Doc. No. 21.) The Court notes, however, that the Stipulation is not signed by Defendant Justin Cagle and is therefore invalid under Rule 41(a)(1)(A)(ii), which requires that a stipulation of dismissal be signed "by all parties who have appeared." The Court therefore **DIRECTS** the parties to refile their Stipulation in accordance with the Rule.

It is so ORDERED.

Entered this the 3 ^{v/s} day of September, 2011.


JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT